



IFW

# PATENT

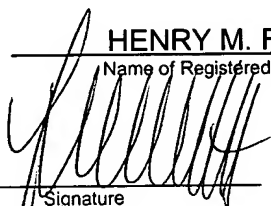
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: HERLA-2

In re Application of:	)
MAX HERLA	)
Serial No.: 10/820,445	) Group Art Unit: 3721
Filed: April 8, 2004	)
For: SPINDLE UNIT WITH SWITCHABLE GEAR, AND METHOD FOR USING THE SPINDLE UNIT	)

## SECOND INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on <u>September 8, 2004</u> .	
(Date)	
<u>HENRY M. FEIEREISEN</u>	
Name of Registered Representative	
	<u>9-8-2004</u>
Signature	Date of Signature

S I R:

In accordance with 37 C.F.R. 1.56, applicant wishes to call the attention of the Examiner to the following references A) to C) which were cited in the European Search Report issued by the European Patent Office with regard to the corresponding European patent application No. EP 04 00 5877. Applicant does not admit that any of the cited documents constitutes prior art against the pending application.

	Country:	Patent or Appl. No:	Patentee or Applicant:	Issue or Filing Date:
A)	USA	5,782,593	Klement	07-21-1998
B)	Germany	DE 42 01 849 C	Index-Werke GmbH	12-03-1992
C)	Germany	DE 199 37 447 A	Hüller Hille GmbH	02-08-2001

Copies of references A) and B) are submitted herewith along with form PTO-1449. A copy of reference C) was previously submitted in a first Information Disclosure Statement filed simultaneously with the application on April 8, 2004. The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

☐ This Information Disclosure Statement is filed within three months of the filing date of a national application other than a continued prosecution application under 1.53(d), so that no fee under 37 C.F.R. §1.97 is due.

☐ This Information Disclosure Statement is filed within three months of the date of entry of the national stage as set forth in 1.491 in an international application, so that no fee under 37 C.F.R. §1.97 is due.

☒ This Information Disclosure Statement is filed before the mailing of a first Office Action on the merits, so that no fee under 37 C.F.R. §1.97 is due.

☐ This Information Disclosure Statement is filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114, so that no fee under 37 C.F.R. §1.97 is due.

☐ This Information Disclosure Statement is filed after the issuance of a first office but before issuance of a final action under §1.113, or a notice of allowance under §1.311.

☐ This Information Disclosure Statement is submitted after the mailing of a final action or a notice of allowance, but before payment of the issue fee.

☐ The undersigned submits the following statement requesting consideration of this statement:

The undersigned hereby states:

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

☐ The fee of \$180.00 set forth in 1.17(p).

☐ The Commissioner is hereby authorized to charge the fee as set forth in 1.17(p), and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

In order to satisfy the requirement under 37 C.F.R. §1.98(a)(3) for a concise explanation of the relevance of each item of information, applicant herewith submits a copy of the European Search Report together with a translation of the relevant pages thereof.

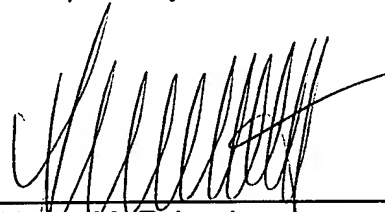
The above-identified application discloses and claims an invention patentable over this prior art.

Entry of the references above set forth into the file of the above application is believed to be in order and is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted

By:

  
Henry M. Feiereisen  
Agent for Applicant  
Reg. No. 31,084

Date: September 8, 2004  
350 Fifth Avenue  
Suite 4714  
New York, N.Y. 10118  
(212) 244-5500  
HMF:be



Form PTO-1449

U.S. Department of Commerce  
Patent and Trademark Office**INFORMATION DISCLOSURE CITATION**

<b>Attorney's Docket No.</b>  HERLA-2	<b>Applicant</b>  Max Herla	<b>Appl. No.</b>  10/820,445
<b>Filing Date</b>  April 8, 2004	<b>Group</b>  3721	<b>Examiner</b>

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date, if appropriate
	5,782,593	07-21-1998	Klement			

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date	Country	Class	Subclass	Translation
	DE 42 01 849 A	12-03-1992	Germany			No

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)


**Examiner:****Date considered:**

\*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



## VERIFICATION OF A TRANSLATION

I, Barbara Ernzerhoff-Snow, resident of the United States, residing at 350 Manhattan Avenue, Apt. 3A, New York, N.Y. 10026, depose and state that:

1. I am familiar with the English and German languages.
2. I have read the attached European Search report regarding European patent application no. EP 04 00 5877.
3. The hereto attached English language text is an accurate translation thereof.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued hereon.

  
BARBARA ERNZERHOFF-SNOW

Date: September 8, 2004